

Application No. 10/593,325
Amendment dated September 29, 2009
Reply to Office Action of July 13, 2009

Docket No.: FUT-0104

AMENDMENTS TO THE DRAWINGS

Please replace FIGS. 2 and 4 with new FIGS. 2 and 4 attached hereto.

REMARKS

This is in full and timely response to the non-final Official Action of July 13, 2009. Reexamination in light of the following remarks is respectfully requested. No new matter has been added. Claims 11-20 are currently pending in this application, with claim 11 being independent.

I. Information Disclosure Statement

The Office Action indicates that the information disclosure statement filed 9/18/06 fails to comply with 37 CFR §1.98(a)(2), which requires a legible copy of each cited foreign patent document.

Submitted herewith is Supplemental Information Disclosure Statement in order to submit a foreign patent document (Cite No. 11: JP-11-501530-A). Consideration and acknowledgement of the document is respectfully requested.

II. Objection to Drawings

The drawings are objected to under 35 CFR §1.83(a) as the drawings must shown every feature of the invention specified in the claims. Specifically, the Office Action states that the microwave generator and an elevating means must be shown or the feature(s) canceled from the claim(s).

By the foregoing amendment, FIGS. 2 and 4 are replaced with new FIGS. 2 and 4 submitted herewith, wherein “microwave generator” and “elevating means” are indicated. No matter has been added.

Support for the amendment is found throughout the specification, for example, paragraphs [0033] and [0034].

III. Claim Rejection – 35 U.S.C. §112, Second Paragraph

Claims 10-11 are rejected 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action specifically states that recitation of “the sandwiched structure” and “the quartz plate” on line 4 of claim 10 lack positive antecedent basis.

By the foregoing amendment, claim 10 has been canceled. Therefore, the rejection of claim 10 is now moot. Please note that the features of claim 10 have been incorporated in claim 11 to form independent claim 11.

In addition, claim 11 has been amended so as to correct the above antecedent basis problem. Therefore, withdrawal of the rejection and allowance of claim 11 is respectfully requested.

IV. Claim Rejection – 35 U.S.C. §103

Claim 10 is rejected under 35 U.S.C. §103 as being unpatentable over Graves et al (US Patent No. 5,633,424).

By the foregoing amendment, claim 10 has been canceled. Therefore, the rejection is now moot. Therefore, withdrawal of the rejection is respectfully requested.

V. Allowable Subject Matter

Appreciation is expressed for the indication that claim 11 contains allowable subject matter. Accordingly, claim 11 has been rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Therefore, allowance of claim 11 is respectfully requested.

VI. Newly Added Claims

Claims 12-20 have been added to claim various features of the invention. Claims 12-20 correspond to canceled claims 1-9 respectively. Claims 12-20 depend on the allowable base claim 11, so that they include all the limitations of the allowable claim 11. Thus, claims 12-20 are allowable. Therefore, allowance of claims 12-20 are respectfully requested.

VII. Conclusion

In view of the following arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. FUT-0104 from which the undersigned is authorized to draw.

Dated: September 29, 2009

Respectfully submitted,

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Attachments

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REPLACEMENT SHEET